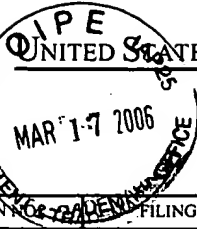


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,074	09/27/2001	Pieter Van Der Meulen	US018053	5397

7590 02/28/2006  
Michael Schmitt  
Corporate Patent Counsel  
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580 White Plains Road  
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EXAMINER  
JEAN GILLES, JUDE

ART UNIT 2143	PAPER NUMBER
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DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/966,074	VAN DER MEULEN, PIETER	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/21/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This office action is responsive to communication filed on 09/27/2001.

### *Information Disclosure Statement*

1. The references listed on the Information Disclosure Statement submitted on 01/21/2003 have been considered by the examiner (see attached PTO-1449A).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmers et al (Zimmers), Patent No. 6,816,878 B1.

Regarding **claim 1**, Zimmers discloses a system for transmitting a programmable message to a receiving device upon receipt of an event (fig. 1), comprising:

- a. an Internet data communications network interface (fig. 1, item 106; column 6, lines 52-64);

- b. at least one sending device, operatively connected to the data communications network interface, the sending device capable of transmitting the event upon a predetermined occurrence (column 11, lines 10-49);
- c. at least one receiving device, operatively connected to the data communications network interface, the receiving device capable of receiving and processing data;
- d. a persistent data store (column 11, lines 10-49);
- e. a predetermined set of selectively retrievable messages resident in the persistent data store (column 11, lines 10-49);
- f. a monitor operatively in communication with the sending device and operatively in communication with a provider of data, the monitor further being able to access the set of selectively retrievable messages resident in the persistent data store; and
- g. monitoring software, at least a portion of which is resident and executable within the monitor, the monitoring software capable of detecting the event in a packet received from the sending device, selecting at least one of the selectively retrievable messages based on the event, modifying data in the packet, and transmitting the modified packet to a predetermined receiving device (fig. 1, item 112; column 6, lines 46-67).

Regarding **claim 2**, Zimmers discloses the system of claim 1 wherein the data communications network interface is selected from the group of data communications network interfaces consisting of wired networks, wireless networks, and mixed wired and wireless networks (fig. 1).

Regarding **claim 3**, Zimmers discloses the system of claim 1 wherein the data communications network interface further comprises a local area network (fig. 1, item 102).

Regarding **claim 4**, Zimmers discloses the system of claim 3 wherein the events comprise alerts generated by devices operatively connected to the local area network (fig. 1, item 100).

Regarding **claim 5**, Zimmers discloses the system of claim 3 wherein the monitor is operatively connected to both the Internet and the local area network as a gateway intermediate the Internet and one or more devices operatively connected to the local area network (fig. 1, item 1130, and/or 134).

Regarding **claim 6**, Zimmers discloses the system of claim 1 wherein the predetermined receiving device to receive the message from the monitoring software is selected from the group of receiving devices connected to the local area network and receiving devices operatively connected to the Internet (fig. 1, item 112, and 104).

Regarding **claim 7**, Zimmers discloses the system of claim 1 wherein the selected retrievable message is capable of being processed into data formatted to be rendered into human perceptible experiences (column 11, lines 35-49).

Regarding **claim 8**, Zimmers discloses the system of claim 1 wherein the receiving device comprises intelligent home network appliances, radios, personal computers, and televisions, each of which is capable of rendering the processed data into human perceptible experiences (fig. 1, items 110, 111, 117; column 11, lines 27-34).

Regarding **claim 9**, Zimmers discloses the system of claim 1 wherein the persistent data store is a selected from the set of persistent data stores consisting of magnetic media located local to the monitor, magnetic media distributed away from the monitor, optical media located local to the monitor, optical media distributed away from the monitor, solid state memories located local to the monitor, and solid state memories distributed away from the monitor (column 13, lines 20-63).

Regarding **claim 10**, Zimmers discloses the system of claim 1 further comprising an external source of messages, wherein the monitoring software may receive and process messages from the external source for use by the monitoring software when selecting at least one of the selectively retrievable messages based on the event (column 11, lines 10-49);

Regarding **claim 11**, Zimmers discloses the method of generating messages for transmission to a receiving device, responsive to packets received at a monitor, the monitor operatively connected to the Internet and to the receiving device, the method comprising:

- a. monitoring original packets received at the monitor (fig. 1, item 112; column 6, lines 46-67).
- b. selecting at least one retrievable message from a set of retrievable messages responsive to a received event for packets comprising at least one event (column 11, lines 10-49); and
- c. for each receiving device associated with the selected retrievable message,

- i. replacing each original packet destined for the receiving device with a new packet comprising a predetermined portion of the selected retrievable message (column 11, lines 10-67);. and
- ii. sending the new packet to the receiving device for the duration of the selected retrievable message (column 11, lines 10-67);.

Regarding **claim 12**, Zimmers discloses the method of claim 11, further comprising sending the retrievable messages selected based on the received event to at least one default receiving device if no receiving devices are associated with the retrievable messages selected based on the received event (column 11, lines 10-67);.

Regarding **claim 13**, Zimmers discloses the method of claim 11, wherein replacing each original packet with a new packet comprising a predetermined portion of the selected retrievable message further comprises mixing a predetermined portion of the selected retrievable message with a predetermined portion of an input streaming media data stream contained in the original packet into a new streaming media stream contained in the new packet(column 11, lines 10-67).

Regarding **claim 14**, Zimmers discloses the method of claim 13, further comprising: a. altering an audio portion of the input streaming media data stream to a predetermined level before mixing the predetermined portion of the selected retrievable message with the predetermined portion of the input streaming media data stream into a new streaming media stream; and b. altering a video portion of the input streaming media data stream to a predetermined level before mixing the predetermined portion of

the selected retrievable message with the predetermined portion of the input streaming media data stream into a new streaming media stream (column 11, lines 10-67).

Regarding **claim 15**, Zimmers discloses the method of claim 11, wherein replacing each original packet with a new packet further comprises buffering a predetermined portion of the original packet for later retrieval before replacing each original packet with a new packet comprising a predetermined portion of the selected retrievable message (column 11, lines 10-67).

Regarding **claim 16**, Zimmers discloses the method of claim 11 further comprising allowing an authorized end user to modify at least one property of the set of retrievable messages for the set of retrievable messages further comprising at least one property for each retrievable message (column 11, lines 10-67).

Regarding **claim 17**, Zimmers discloses the method of claim 16 wherein the modifiable property of the set of retrievable messages comprises a destination address, audio content, visual content, and subsequent actions to be performed by at least one of the devices at the destination address (column 11, lines 10-67).

Regarding **claim 18**, Zimmers discloses the method of claim 11 further comprising a. receiving messages from an authorized third party source of messages; b. associating the messages received from the third party with at least one event; and c. storing the messages received from the third party into the set of retrievable messages (column 11, lines 10-67).

Regarding **claim 19**, Zimmers discloses an electronic event-based messaging system, comprising: a. means for receiving a first packet from the Internet (column 11,



lines 10-67); b. means for analyzing the first packet to determine if it contains an event(column 11, lines 10-67); c. means for retrieving at least one message associated with the event from a set of retrievable messages for first packets containing events (column 18, lines 1-48); d. means for transforming data in the first packet into a set of data in a second packet containing at least a portion of the retrieved message; and e. means for substituting the second packet for the first packet for destination addresses required by the first packet that are also required by the second packet(column 18, lines 1-48);.

Regarding **claim 20**, Zimmers discloses a packet based messaging system stored via a data storage medium, comprising: a. a first plurality of binary values for receiving a first packet over the Internet; b. a second plurality of binary values for analyzing the first packet to determine if it contains an event; c. a third plurality of binary values for retrieving at least one message associated with the event from a set of retrievable messages for first packets containing events; d. a fourth plurality of binary values for transforming data in the first packet into a set of data in a second packet containing at least a portion of the retrieved message; and e. a fourth plurality of binary values for substituting the second packet for the first packet for destination addresses required by the first packet that are also required by the second packet.

Regarding **claim 21**, Zimmers discloses the method of generating messages responsive to events, comprising: a. defining a message having data capable of human perception; b. defining at least one event to which the message will be responsive; and c. providing the message to at least one monitor for storage by the monitor and later

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retrieval by monitoring software in response to the event (column 18, lines 1-48; column 6, lines 46-67).

Regarding **claim 22**, Zimmers discloses the method of claim 21, wherein transmitting the message is provided via the Internet (column 18, lines 1-48; column 6, lines 46-67).

Regarding **claim 23**, Zimmers discloses a computer program embodied within a computer-readable medium created using the method of claim 11 (column 18, lines 1-48; column 6, lines 46-67).

Regarding **claim 24**, Zimmers discloses a computer program embodied within a computer-readable medium created using the method of claim 21 (column 18, lines 1-48; column 6, lines 46-67).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

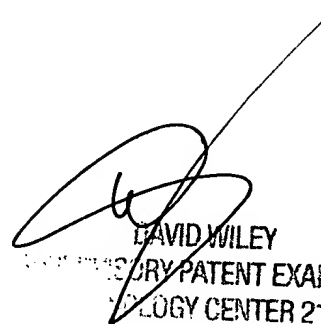
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles  
Patent Examiner  
Art Unit 2143

JJG 

February 19, 2006

  
DAVID WILEY  
SENIOR PATENT EXAMINER  
BIOLOGY CENTER 2100

[illegible]

<b>Notice of References Cited</b>	Application/Control No. 09/966,074	Applicant(s)/Patent Under Reexamination VAN DER MEULEN, PIETER	
	Examiner Jude J. Jean-Gilles	Art Unit 2143	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,816,878 B1	11-2004	Zimmers et al.	709/200
*	B	US-6,934,740 B1	08-2005	Lawande et al.	709/213
*	C	US-6,954,799 B2	10-2005	Lerner, Jack Lawrence	709/240
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

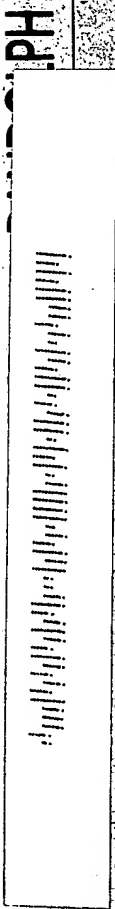
**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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